



KIM M. SMITH
CIRCUIT JUDGE

STATE OF ARKANSAS

FOURTH JUDICIAL CIRCUIT - SECOND DIVISION
WASHINGTON COUNTY COURTHOUSE

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A handwritten signature in dark ink, appearing to read "Karen S. Morrow".

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June 18, 2009

Chief Justice Jim Hannah
Supreme Court of Arkansas
Justice Building
625 Marshall
Little Rock, AR 72201

RE: Administrative Order Number 14
Fourth Judicial Circuit Administrative Plan

Dear Chief Justice:

To fully comply with Administrative Order Number 14, the judges of the Fourth Judicial Circuit have agreed to the implementation, on January 1, 2010, of the administrative plan as contained in this letter. Each judge recognizes his or her duty and obligation to hear cases on subject matters outside his or her own subject matter areas, especially in the absence of another judge. During the past seven years every judge in the district has heard a case outside of his or her assigned areas. We have a standing rule that all judges will consider a protective order when the assigned judge is out of the district or on the bench; therefore, the petitioners do not have to wait for the assigned judge to return to the district or be on a recess to have their petition considered.

One of the responsibilities of Judge Kim Smith, the Administrative Judge, is to assign a case to another judge in the circuit when there has been a recusal by the judge randomly assigned. In the year 2003, there were 40 such assignments; in the year 2004, 44 such assignments; in the year 2005, 36 such assignments; in the year 2006, there were 49 such assignments; in the year 2007, there were 50 such assignments; and in the year 2008, there were 30 such assignments. This reflects the judges' recognition of their obligation and duty to preside over cases in the absence of, or recusal of, another judge in the circuit.

We have attempted to evenly distribute the judicial caseload in the Fourth Judicial Circuit and recognize that after implementation of the plan it may need to be altered to more equally divide the workload. To best utilize the judicial resources and the availability of prosecutors, public defenders, and juvenile court personnel, each judge is of the opinion that this plan will best utilize those resources in the Fourth Judicial Circuit and provide timely judicial services to the citizens of the Fourth Judicial Circuit.

The Honorable William A. Storey presides over the First Division and will preside over all criminal cases other than "Drug Court" cases and hot check cases, in both Washington and Madison counties. The estimate of projected case filings and revocation filings in 2010 for Judge Storey is 2,045 criminal cases in Washington County and 88 criminal cases in Madison County. Some of the criminal cases will involve defendants who have not been arrested and are therefore not active cases. Please note that these figures are criminal cases filed, not criminal counts, as reflected in AOC 2008 case load summary. That summary shows that there were 4,091 counts filed in Judge Storey's division in 2008.

The Honorable Kim M. Smith presides over the Second Division and will be randomly assigned and preside over 45 percent of the civil cases filed in both Washington and Madison County and all hot check cases filed in both counties. He will also have the responsibility of implementing our administrative plan and will have the responsibility of reviewing statistics in the circuit to ensure that we are effectively using our judicial resources. Judge Smith also has the responsibility of reviewing the case loads to ensure an equal distribution of cases to each judge and the responsibility of assigning cases upon the recusal of a judge. In addition to the administrative duties the projected case load filings in 2010 for Judge Smith is 346 criminal cases, including revocations, and 1,903 civil cases for the circuit. (The Washington County Circuit Clerk's records show 154 more civil cases filed in 2008 than is reflected in the Civil Caseload Summary 2008 prepared by the AOC. In all civil case filing estimates the higher Washington County Circuit Clerk number is used as it is derived from the actual number of cases filed less the non-judicial foreclosure cases filed.)

The Honorable Stacey A. Zimmerman presides over the Third Division of the Fourth Judicial Circuit and will preside over all juvenile subject matter cases in both Washington and Madison Counties and shall be available for any other subject matter cases upon recusal of other judges in the Fourth Judicial Circuit. The assignment of all juvenile cases to Judge Zimmerman is required due to the unusual physical plant layout of the courtrooms and facilities in Washington County. Judge Zimmerman's chambers, the juvenile courtroom, detention facilities, probation offices, intake offices and other staff offices of the juvenile court are all housed in a facility approximately four miles from the Washington County Courthouse. All judges of this circuit are in agreement as to the assignment of juvenile cases to Judge Zimmerman, as it is Judge Zimmerman's desire to preside over all the juvenile cases. Other judges in the district have filled in for Judge Zimmerman in her courtroom and have taken juvenile cases on assignment.

Judge Zimmerman in the past seven years has heard cases in almost all of the other divisions of circuit court and Judge Zimmerman will also hear one-third of the paternity cases filed in the domestic relations division. The estimate of the projected caseload filings in 2010 for Judge Zimmerman is 1,715 juvenile cases in Washington County and 109 juvenile cases in Madison County and 20 paternity cases in the circuit.

The Honorable Mary Ann Gunn presides over the Fourth Division and shall be responsible for all cases assigned to the Drug Court in both Washington and Madison County. Judge Gunn will also be randomly assigned 25 percent of the civil cases and 20 percent of the domestic relations cases in both Washington and Madison counties. The estimate of the projected caseload filings in 2010 for Judge Gunn is 186 drug court defendants based on approximately 250 cases, 960 civil cases, and 507 domestic relation cases in Washington County, and 91 civil cases, and 45 domestic relation cases in Madison County.

The Honorable Michael H. Mashburn presides over the Fifth Division of the Fourth Judicial Circuit, and shall be randomly assigned 15 percent of the civil cases, 40 percent of the domestic relations cases, and 50 percent of the probate cases in both Washington and Madison counties. Judge Mashburn will also hear one-third of the paternity cases in the circuit. The estimate of the projected caseload filings in 2010 for Judge Mashburn is 576 civil cases, 1,014 domestic relation cases and 334 probate cases in Washington County, and 55 civil cases, 89 domestic relation cases and 43 probate cases in Madison County.

The Honorable Mark Lindsay, judge of the Sixth Division, shall be randomly assigned 15 percent of the civil cases 40 percent of the domestic relations cases, and 50 percent of the probate cases in both Washington and Madison counties. Judge Lindsay will also hear one-third of the paternity cases in the circuit. The estimate of the projected caseload filings in 2010 for Judge Lindsay is 576 civil cases, 1,014 domestic relation cases and 334 probate cases in Washington County, and 55 civil cases, 89 domestic relation cases and 43 probate cases in Madison County.

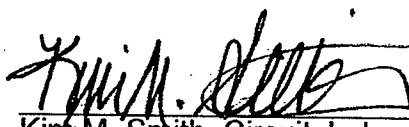
The circuit judges of the Fourth Judicial Circuit have been meeting on a quarterly basis during the year to discuss caseload distribution and other matters that affect the efficient administration of justice in Washington and Madison counties.

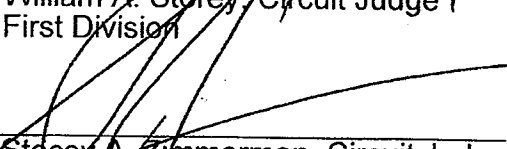
Other than Drug Court cases, criminal hot check cases and juvenile cases, all other subject matter cases will continue to be assigned randomly. Currently the circuit clerks in both counties are using poker chips to blindly select a judge to assign a case according to the percentages provided in the administrative plan and the administrative judge has emphasized to them the importance of a random selection for each case.

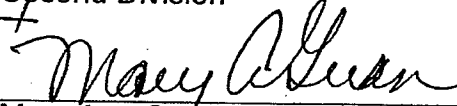
The judges of the Fourth Judicial Circuit present this plan to the Supreme Court for approval and would welcome any questions concerning the plan or its implementation.

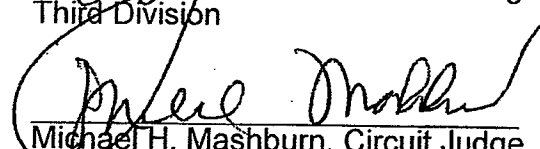
Sincerely,

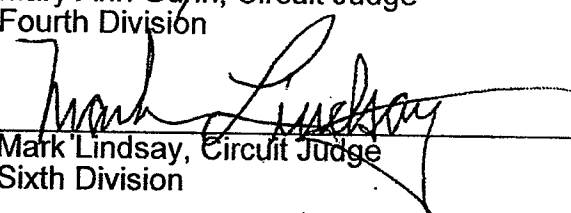

William A. Storey, Circuit Judge
First Division


Kim M. Smith, Circuit Judge
Second Division


Stacey A. Zimmerman, Circuit Judge
Third Division


Mary Ann Gunn, Circuit Judge
Fourth Division


Michael H. Mashburn, Circuit Judge
Fifth Division


Mark Lindsay, Circuit Judge
Sixth Division